

Serial No. 09/827,226
67108-043; Wong 1**REMARKS**

Reconsideration and allowance are respectfully requested. Claims 1-20 are currently pending and stand rejected. Applicant has amended claim 1. No new matter has been added.

§ 103 rejections

Claims 1-3, 6-10, 12-15 and 17-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,373,946 to Johnston ("Johnston") in view of U.S. Publication No. 2001/0005682 to Terao et al ("Terao") and further in view of U.S. Patent No. 6,073,237 to Ellison ("Ellison"). Applicant respectfully traverses this rejection.

With respect to independent claims 1 and 13, the Office Action admitted that Johnston does not teach a first wireless unit and a second wireless having a common key, but asserted it would have been obvious to employ the teachings of Terao to incorporate a common key generally. The Office Action also asserted that it would have obvious to incorporate the teachings of Ellison into Johnston and Terao to teach providing the common key to the user (pp. 3-4). Applicant respectfully traverses this rejection.

Contrary to the Office Action's assertion, the suggested combination fails to teach the claimed invention. Claim 21 of Terao only states that a common key is stored in a memory of a communication device (rather than provided to a communications device through a wireless system) and is used to encrypt transmitted data and decode received data between a communication device and a terminal device. Ellison focuses only on exchanging a symmetric key between a tamper-resistant server and a user (col. 4, lines 28-35) and specifically states that the symmetric key is encrypted by the server and sent to the user (col. 7, lines 62-63) to be used to authenticate transactions over the network. Neither reference addresses a common key that is provided to a first wireless unit and that is used for communication between first and second wireless units.

At best, combining Johnston, Terao and Ellison teaches a system having a common key that is either stored in the communication device for communication between a server and a user or that is exchanged between a server and a user for communication between the server and the user. Note also that Figure 9 of Johnston does not show any communication among wireless units, much less communication between the wireless units using a common key.

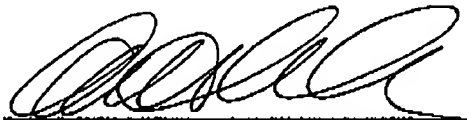
Serial No. 09/827,226
67108-043; Wong 1

Because the combination fails to show providing a common key value to a first wireless unit for communication between first and second wireless units, the Office Action fails to establish a prima facie case of obviousness with respect to claims 1-3, 6-10, 12-15 and 17-19. Withdrawal of the rejection is therefore respectfully requested.

Claims 4, 5, 11, 16 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnston in view of Terao and Ellison and further in view of U.S. Patent No. 6,584,310 to Berenzweig ("Berenzweig"). Applicant respectfully traverses this rejection. Claims 4, 5, 11, 16 and 20 depend on patentable claim 1 or 13 and are therefore patentable for the reasons explained above. Withdrawal of the rejection is therefore respectfully requested.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited. Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,

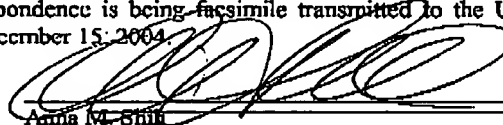


Anna M. Shih, Reg. No. 36,372
Carlson, Gaskey & Olds
400 W. Maple Road, Ste. 350
Birmingham, MI 48009
(248) 988-8360

Dated: 15 December 2004

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, (703) 872-9306, on December 15, 2004.


Anna M. Shih